

REMARKS

After entry of this amendment, claims 1 through 6 and 8 through 24 are pending in the present application. Claims 1 through 6 have been amended. Claim 7 has been cancelled. The Applicant thanks the Examiner for allowing claims 8 through 24.

*Claim Rejections – 35 U.S.C. §103*

Claims 1 through 4, 6, and 7 stand rejected under 35 U.S.C. §103 (a) as being unpatentable over the United States Patent No. 2,572,640 to Lovegrove (the ‘640 Patent) in view of the United States Patent No. 5,387,068 to Pearson (the ‘068 Patent). Claim 5 stands rejected under 35 U.S.C. §103 (a) as being unpatentable over the ‘640 Patent in view of the ‘068 Patent, as applied to claims 1 through 4, 6, and 7 above, and further in view of the United States Patent No. 3,933,388 to Conboy (the ‘388 Patent).

The Applicant has cancelled claim 7 to render the aforementioned rejection of claim 7 moot. The Applicant has amended claim 1, which is believed to overcome the Examiner’s rejection of claim 1. The rejections of claims 2 through 6, which depend upon claim 1, are believed to be overcome, in light of the amendments implemented in claim 1, to more clearly defined the novelty of the invention as originally presented by the Applicant and not taught or suggested, expressly or impliedly in none of the aforementioned prior art references cited by the Examiner.

As amended, claim 1 presents a *machine* for handling multiple workpieces, which includes *a transfer device* and *an air-powered vacuum tool* mounted upon the transfer device. The machine further includes *an interface plate* defining a plurality of pickup orifices adapted for engaging workpieces and being operatively connected with at least one of vacuum ports, wherein the *pickup orifices are communicated with the vacuum ports by vacuum supply passages having diameter being smaller than the pickup orifices*. The structural language is

introduced to the independent claims 1 and the dependent claim 2 through 6 in light of numerous court decisions, which held that: "amendments that (1) merely clarify or make definite that which an originally-filed application expressly or inherently disclosed, or (2) conform the specification to the originally disclosed drawings or claims, do not violate the rule on new matter", *Triax Co. v. Hartman Metal fabricators, Inc.*, 479 F.2d 951, 956-957, 178 USPQ 142, 146 (2d Cir.1973); *In re Wright*, 343 F.2d 761, 767, 145 USPQ 182, 188 (CCPA 1965).

As amended claim 1 is supported by Figures 3 and 4, which illustrate a transfer machine 20 and the air-powered vacuum tool 10 mounted upon the machine, as also set forth in paragraph [0020] of the application as originally filed. Figure 4 clearly illustrate and paragraph [0025] support the interface plate 74 and the pickup orifices 72 defined therein and being communicated with the vacuum ports 32 by vacuum supply passages 70 having diameter smaller than the pickup orifices 72.

Alluding to the above, none of the aforementioned references teaches or suggests, expressly or impliedly the Applicant's invention as set forth in amended claim 1. In particular, the '*640 Patent*' and the '*068 Patent*' do not teach *a transfer device* wherein the holder (10) of the '*640 Patent*' and the end effector (26) of the '*068 Patent*' are mounted upon the transfer device. Contrary to the Applicant's invention, the pickup orifices (18) are communicated with the channel (26) by vacuum supply passages (14) having diameter being *larger* than the pickup orifices (18). The '*068 Patent*' fails to disclose the Applicant's interface plate and orifices defined therein. Accordingly, it is respectfully submitted that there is no basis for combining the '*640 Patent*' with the '*068 Patent*' to arrive at the Applicant's invention as set forth in presently amended claim 1. Withdrawal of the rejections under 35 U.S.C. § 103(a), therefore, is respectfully requested.

For the reasons set forth above, the Applicant respectfully submits that independent claim 1 with respective dependent claims 2 through 6 are in condition for allowance, which

allowance is respectfully solicited. The Applicant thanks the Examiner for allowing claims 8 through 24.

The Applicant believes that no additional fees are required, however, the Commissioner is authorized to charge our Deposit Account No. 08-2789 for any fees or credit the account for any overpayment.

Respectfully submitted,

**HOWARD & HOWARD ATTORNEYS P.C.**



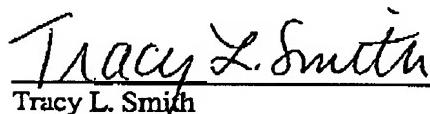
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Date

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**CERTIFICATE OF FACSIMILE TRANSMISSION**

I hereby certify that the attached Amendment After Final is being facsimile transmitted to the Commissioner for Patents and Trademarks, Alexandria, Virginia, to the attention of Examiner Dean J. Kramer from Group: 3652 to facsimile number (571) 273-8300 on June 5, 2007.

  
Tracy L. Smith